

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

LIDA GREEN)	CIVIL ACTION NO.: 19-CV-00607
)	
Plaintiff)	JUDGE ELIZABETH E. FOOTE
vs.)	
)	MAG. JUDGE MARK L. HORNSBY
PATRICIA WHITE, ET AL.)	
)	
Defendants)	

MEMORANDUM IN SUPPORT OF MOTION FOR STAY OF DISCOVERY

Defendants PATRICIA WHITE, ABEL MOSLEY, AND THE CHARLEY & ETHER MOSLEY CORPORATION (collectively “Defendants”), have moved this Court for an order staying discovery until their motion to dismiss is decided. They offer this memorandum in support of the requested stay.

FACTUAL BACKGROUND

This suit is principally about the management or alleged mismanagement of two closely- held, family entities. Plaintiffs suit, however, raises claims relating to an eviction, alleged unfair trade practices, and other various, supposed evils. In response to the initial petition, rather than moving for dismissal, Defendants attempted to address plaintiff’s concerns. Defendants have produced in excess of 600 pages of documents and answered multiple rounds of interrogatories and requests for admissions in attempt to satisfy plaintiff. This only resulted in amended pleadings. Defendants responded by filing a motion to dismiss on November 20, 2019.

Defendants originally agreed to have both the defendants’ and the plaintiff’s depositions in Shreveport commencing the morning of January 14th. These depositions were

rescheduled at defense counsel's request when January 13th took on some local significance. The rescheduled depositions were recently canceled due to issues with Abel Mosely's health. In a barrage of 5 emails beginning at 5:20 AM, plaintiff's counsel now insists that the depositions must be scheduled in New Orleans with Defendants "bear[ing] the risk" that the plaintiff's counsel's wife goes into labor early.

Defendants ask instead that discovery be stayed until they get a decision on their motion to dismiss. Defendants have expended significant sums in legal fees and wish to avoid the further expense of depositions unless and until they know if this suit will continue.

II. LAW and ARGUMENT

"A trial court has broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined." *Petrus v. Bowen*, 833 F.2d 581, 583 (5th Cir. 1987); see also *Landry v. Air Line Pilots Ass'n Int'l AFL-CIO*, 901 F.2d 404, 436 n.114 (5th Cir. 1990) ("Trial courts possess broad discretion to supervise discovery."). The requested relief is well within the Court's power under Rule 26(c).

There is no compelling reason for discovery to continue during the pendency of the defendants' motion to dismiss. One of the defendants is going through treatment for prostate cancer. Plaintiff's counsel is expecting a baby and planning paternity leave. There are no urgent circumstances that require that the discovery be had at this moment. Additionally, plaintiff's increasingly unreasonable demands mean that several issues will need to be resolved if discovery continues. Under these circumstances, a stay is appropriate.

WHEREFORE, PATRICIA WHITE, ABEL MOSLEY, AND THE CHARLEY & ETHER MOSLEY CORPORATION pray that the Court order discovery to be stayed pending disposition of Defendants' motion to dismiss.

Respectfully submitted,

KEVIN W. HAMMOND, APLC

By: /s/ Kevin W. Hammond
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-- Attorney for Patricia White, Abel Mosley, and the Charley & Ether Mosley Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Motion to Dismiss and Memorandum in Support have this day been served upon all parties listed herein by the method(s) indicated below:

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Shreveport, Louisiana, this Monday, January 27, 2020.

s/ Kevin W. Hammond